

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
6 Senior Assistant Attorney General
7 PEGGY S. RUFFRA
8 Supervising Deputy Attorney General
9 NANETTE WINAKER, State Bar No. 186025
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5934
14 Fax: (415) 703-1234
15 Email: Nanette.Winaker@doj.ca.gov

9 || Attorneys for Respondent

14 || CARLOS CHICO.

Petitioner.

C 05-01282 MJJ

**APPLICATION FOR
EXTENSION OF TIME TO
FILE RESPONSE**

17 ROSEANNE CAMPBELL, Warden,

Respondent.

20 Respondent hereby requests a 60-day extension of time until November 12, 2007, pursuant
21 to Civil L.R. 7-8 and 7-11, within which to file a response to the petition for writ of habeas corpus
22 and provide the relevant state record, as required by this Court's Order to Show Cause filed May 16,
23 2007. The application is based on the file in this case and the attached declaration of Nanette
24 Winaker. Petitioner's counsel, Benjamin Ramos, has been contacted regarding respondent's request
25 for an extension of time and has stipulated to the requested time change.

26 Wherefore, respondent respectfully requests that the time within which respondent must
27 comply with this Court's Order to Show Cause be extended to and including November 12, 2007.

28 //

1 Dated: September 24, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 DANE R. GILLETTE
6 Chief Assistant Attorney General

7 GERALD A. ENGLER
8 Senior Assistant Attorney General

9 PEGGY S. RUFFRA
10 Supervising Deputy Attorney General

11 /s/ Nanette Winaker

12 NANETTE WINAKER
13 Deputy Attorney General
14 Attorneys for Respondent

15 NW:er

16 20105580.wpd
17 SF2007401458

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
6 Senior Assistant Attorney General
7 PEGGY S. RUFFRA
8 Supervising Deputy Attorney General
9 NANETTE WINAKER, State Bar No. 186025
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5934
14 Fax: (415) 703-1234
15 Email: Nanette.Winaker@doj.ca.gov

9 | Attorneys for Respondent

14 || CARLOS CHICO.

Petitioner.

C 05-01282 MJJ

**APPLICATION FOR
EXTENSION OF TIME TO
FILE RESPONSE**

17 ROSEANNE CAMPBELL, Warden,

Respondent.

20 Respondent hereby requests a 60-day extension of time until November 12, 2007, pursuant
21 to Civil L.R. 7-8 and 7-11, within which to file a response to the petition for writ of habeas corpus
22 and provide the relevant state record, as required by this Court's Order to Show Cause filed May 16,
23 2007. The application is based on the file in this case and the attached declaration of Nanette
24 Winaker. Petitioner's counsel, Benjamin Ramos, has been contacted regarding respondent's request
25 for an extension of time and has stipulated to the requested time change.

26 Wherefore, respondent respectfully requests that the time within which respondent must
27 comply with this Court's Order to Show Cause be extended to and including November 12, 2007.

28 //

1 Dated: September 24, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 DANE R. GILLETTE
6 Chief Assistant Attorney General

7 GERALD A. ENGLER
8 Senior Assistant Attorney General

9 PEGGY S. RUFFRA
10 Supervising Deputy Attorney General

11 /s/ Nanette Winaker

12 NANETTE WINAKER
13 Deputy Attorney General
14 Attorneys for Respondent

15 NW:er

16 20105580.wpd
17 SF2007401458

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
6 Senior Assistant Attorney General
7 PEGGY S. RUFFRA
8 Supervising Deputy Attorney General
9 NANETTE WINAKER, State Bar No. 186025
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5934
14 Fax: (415) 703-1234
15 Email: Nanette.Winaker@doj.ca.gov

9 || Attorneys for Respondent

14 || CARLOS CHICO.

Petitioner.

16

17 ROSEANNE CAMPBELL, Warden,

Respondent.

C 05-01282 MJJ

**DECLARATION OF
NANETTE WINAKER IN
SUPPORT OF APPLICATION
FOR EXTENSION OF TIME
TO FILE RESPONSE**

20 I, NANETTE WINAKER, declare under penalty of perjury:

21 I am a Deputy Attorney General for the State of California and am responsible for the
22 preparation and filing of a response to this Court's Order to Show Cause in this habeas proceeding.

23 This Court's Order to Show Cause was filed May 16, 2007, and ordered respondent to file
24 an answer within 60 days or by July 15, 2007. On July 23, 2007, this Court granted my application
25 requesting an additional 60 days in which to file an answer; the current due date is September 13,
26 2007. I am unable to prepare and file a response by September 13, 2007, for the reasons set forth
27 below.

28 In the past 60 days, I have filed respondent's briefs in the California Courts of Appeal in

1 *People v. Mazza* (A115237), *People v. Ray* (A111688), and *People v. Givens* (A115487). I have
2 also filed a supplemental brief in *People v. Tran* (H030306). In addition, I was out-of-state and out
3 of the office between July 18, 2007 – July 24, 2007, and August 20, 2007 – August 24, 2007.

4 I am currently preparing a respondent's brief in *People v. Bryant* (A114925), and will be
5 out of the office on a prepaid vacation between September 12, 2007, and September 21, 2007. I
6 must also prepare an answer in a previously assigned case. *See e.g., Saldana v. Scribner* (C 06-
7 02126 JW (PR)).

8 I have contacted petitioner's counsel, Benjamin Ramos, and he has stipulated to the
9 requested extension of time.

10 Accordingly, I request that the Court grant respondent an extension of sixty days, to and
11 including November 12, 2007, in which to file the response.

12 Dated: September 24, 2007

13 Respectfully submitted,

14 EDMUND G. BROWN JR.
Attorney General of the State of California

15 DANE R. GILLETTE
Chief Assistant Attorney General

16 GERALD A. ENGLER
Senior Assistant Attorney General

17 PEGGY S. RUFFRA
Supervising Deputy Attorney General

18
19
20 /s/ Nanette Winaker

21 NANETTE WINAKER
22 Deputy Attorney General
23 Attorneys for Respondent

24 NW:er

25 20105581.wpd
SF2007401458

26

27

28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CARLOS CHICO,

Petitioner,

C 05-01282 MJJ

[PROPOSED] ORDER

v.

ROSEANNE CAMPBELL, Warden,

Respondent.

IT IS HEREBY ORDERED that the time within which respondent is to answer the Order to Show Cause of May 16, 2007, and provide the relevant state court record, will be extended to November 12, 2007. Petitioner's traverse, if any, shall be filed and served within 30 days of service of an answer.

Dated: _____

The Honorable Martin J. Jenkins
United States District Judge